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MEMORANDUM

TO Mr Joe Turner, Hearings Officer

CC Jessica Berry, Transportation Planning & Development Manager
Lisa Estrin, Senior Planner

FROM Graham Martin, Transportation Planner

DATE November 20, 2020

ADDRESS 1330 SE Victory Road, Troutdale
Tax Lot 600, Section 08DC, Township 1 South, Range 4 East, W.M.
Alternate Account #R751705100
Property ID #R266609

SUBJECT **Clarification on County's calculation of the "transportation impact" of the proposed development and the proportionality of the requirements sought by the County by denying the road rules variance.**

REFERENCE EP-2020-13167, Road Rules Variance

Dear Mr Turner:

The County denied Road Rules Variances requested to allow a second access point for fire truck turnaround and to allow the existing roadway width (12.4-ft to 16-ft) on SE Victory Road to remain mostly unimproved to serve the new dwelling. The County roadway standard requires a 20-ft wide travel surface. The County denied the variances as it sought improvements to be made by the applicant to meet the County's roadway standards.

Questions Asked

At the appeal hearing on November 13, 2020 you asked:

Pursuant to MCRR 3.000 and MCRR 5.300, in determining a transportation impact:

- 1. Are the ITE Manual's trip generation numbers for a single family detached residence rounded up from 9.44 to 10?*

2. *Why did the County focus on 10 trips per day within the definition to determine the impact rather than the other qualifying criteria such as the “20 percent increase”; “...by more than 100 trips per day or by more than 10 trips in the peak hour”?*
3. *Provided there is a transportation impact, and that this provides a “nexus,” then are the requirements that the County seeks the applicant to make “roughly proportional” to this impact?*

Below are answers to your questions that help explain the MCRR pertaining to transportation impacts, and the proportionality of the County’s requirements to the impacts of the applicant’s development. Alternatively, this memo concludes with proposed conditions of approval.

Answers and Explanations

Answers to Questions Nos. 1 & 2

Because Questions Nos. 1 & 2 are interrelated, the answers to these questions are explained together.

First, the County has typically “rounded up” the ITE Trip Generation Manual’s (10th Edition) trips per day for a single family detached house from 9.44 to 10. However, it is not this figure alone that the County has used to determine whether the proposal generates a transportation impact. For instance, relevant provisions of the MCRR provide the following:

MCRR 5.100 provides:

To determine if a Transportation Impact is caused by a proposed development, the County Engineer will determine the number of new trips generated by a site by one of the following methods:

- A. Calculations from the most recent edition of the Institute of Transportation Engineers’ Trip Generation (ITE); or*
- B. A site development transportation impact study conducted by a professional engineer registered in the State of Oregon and accepted by the County.*

To calculate a transportation impact, the County used ITE Trip Generation Manual figures per 5.100 A. It did not require an impact study referred to in MCRR 5.100B. A single family detached house generates 9.44 trips per day, according to the ITE Trip Generation Manual (10th Edition).

MCRR 5.300 provides:

Except where special circumstances require the County Engineer to make an alternate determination, any new construction or alteration which will increase the number of trips generated by a site by more than 20 percent, by more than 100 trips per day or by more than 10 trips in the peak hour shall be found to have a Transportation Impact. A minimum increase of 10 new trips per day is required to find a Transportation Impact.

The proposed single family residence on SE Victory Rd generates a transportation impact because it increases the trips generated by the site by more than 20%. As established in the response to 5.100A above, a single family detached house generates 9.44 trips per day, according to the ITE Trip Generation Manual (10th Edition). Given the site is vacant, the subject property’s *site generated* trips provide a 944% increase (from zero to 9.44 trips). Additionally, the proposed development will also increase trips on SE Victory Rd by more than 20%. There are three existing houses with accesses on

SE Victory Rd (31325, 31431, 31620). Using the ITE Trip General Manual figure of 9.44 daily trips generated by a single household as a basis, it is clear that three houses generate a total of 28.32 trips per day (9.44×3). With the proposed fourth house the total trips per day on SE Victory Rd would be 37.76. The percentage increase of trips on SE Victory Rd due to the proposed house is 33.3% ($37.76/28.32 \times 100 - 100$).

To clarify, the definition of a transportation impact provided by MCRR 3.000 and MCRR 5.300 does not require all the conditions of the definition to apply in order for the County to determine a transportation impact. While the definition states “*increase the number of trips generated by a site by more than 20 percent, by more than 100 trips per day or by more than 10 trips in the peak hour shall be found to have a Transportation Impact...*” the operative word is “or”. Therefore, only one of these must be met for the County to find a transportation impact.

As demonstrated above, the site generates more than a 20% increase in trips, therefore the proposed development will have a transportation impact. The purpose of these additional qualifying conditions in MCRR 3.000 and 5.200 is to accommodate the wide variety of locations (rural versus urban) and road classifications (urban arterials and collectors to rural local and rural local access roads) that are present in the County. So long as one of the conditions is met, there is a traffic impact.

Answer to Question No. 3

In the matter before us, the applicant has applied for an access variance that impacts a local access road, as opposed to a county road. This is important because MCRR treats local access roads differently. Specifically, MCRR 11.100 provides the following (*italicized language is the MCRR language*):

11.100 Improvement Requirements:

- A. *For any proposed development where access is to be through a Local Access Road and the development is found to have a Transportation Impact, the owner, applicant or other party responsible for the development (the “Developer”) shall be required to improve or cause to be improved the Local Access Road to standards as further provided in this Section.*

As noted in our response to questions 1 and 2 above, the County determined there is a transportation impact pursuant to MCRR 5.100C, because the site generates more than a 20% increase in trips. Consequently, the County is able to seek improvements according to the County's standards and 11.100 B-F below.

- B. *Right of way and or easement dedications shall be required where the existing right of way is of a substandard width or condition.*

The width of ROW at the subject property's frontage is substandard to the County standards. The standard width is [50 feet minimum/60 feet preferred], whereas the width of the road adjacent to subject property is 40 feet. Pursuant to MCRR 5.200, and MCRR 11.100B, the County can require pro-rata improvements for the property's frontage if a transportation impact is present. In the case

of the proposed development, we request the applicant dedicate 5 feet along the subject property's frontage on SE Victory Rd to meet County ROW width standards. See proposed conditions below.

- C. *The County Engineer may impose requirements for right of way improvements as necessary to address factors including but not limited to: traffic safety, traffic conditions, bicycle access, pedestrian access and vegetation.*

In the context of your question regarding "rough proportionality", County staff has reviewed, and will make reference below to, the applicant's proposed plans and variance supporting materials (Exhibits A.30-A.36) and the concept plan and appeal response submitted prior to the hearing (Exhibits H.3-H.4).

Given the transportation impact of the proposed development, the County originally sought to require the applicant to make improvements from the subject property to the nearest County maintained road (see Exhibits B.10 and C.4). However, in the context of Dolan, it is the County that is required to demonstrate that the improvements sought are proportional to the impact of the proposed development. The County finds the improvements asked of the applicant are consistent with criterion C on the basis of traffic safety, traffic conditions, vegetation and meeting the desired Oregon Fire Code and County Standards for road widths. Without the improvements, the proposed development will create traffic safety issues by failing to address the substandard width of the right of way for vehicular and pedestrian travel on the road, as well as necessary improvements to facilitate fire suppression vehicles.

Applicant's proposed development increases trips on SE Victory Rd by 33%, in addition to the existing trips. Given that local access roads are not maintained by the County, and is the responsibility of abutting property owners to make these improvements, the quality of the road may deteriorate further. The safety and integrity of the ROW remains a primary concern for the County.

However, the County is willing to concede that requiring a single property owner to improve the entire length of SE Victory Rd from the subject property is burdensome and may warrant additional special circumstances (per MCRR 16.200 A) to be considered, as the ROW conditions were not of the applicant's making (16.200D), and the burden of making the improvements sought by any single property owner would be a hardship (16.200 B) This is also expressed in the cost estimates included in the applicant's appeal response (Exhibit H.3).

On this concession, the County requests that the applicant enter into a non-remonstrance agreement/deed restriction, which would run with the property, to require property owners to contribute to a *proportional share* of any future ROW improvements to SE Victory Rd, if required [MCRR 9.400]. See proposed conditions below. This not only address the County's concern regarding safety issues presented by a substandard width in right of way, but also address the safety issues raised by fire services; consequently, the County finds these requirements to be reasonable and roughly proportional to the impact of applicant's proposed development on the County road system.

D. Developer shall make required improvements at the County Engineer's request if the transportation impact warrants additional road improvements. Such additional improvements shall not extend beyond the nearest intersection with the publicly maintained road. Improvements will be constructed in a manner consistent with the standards provided in the Design and Construction Manual.

In addition to the proposed condition in criterion C, above, the County considers that the transportation impact of the new house warrants "additional improvements" to meet safety standards pursuant to the Oregon Fire Code, as well as contribute towards the County's transportation standards.

These include areas of improvement to the ROW to the east of the subject property between the southwest frontage of 31431 SE Victory Rd and the frontage of 31620 (ROW improvements and the fire emergency pullout area) to meet Gresham Fire Service's minimum requirements (Exhibit A.34). The County notes that generally the applicants are supportive of meeting Fire Service standards; however, the applicant will need to make the some improvements within the SEC-wr overlay zone to meet these standards.

However, in order to meet the Fire Service's minimum acceptable standards (Exhibit A.34), the County requests that you include the following considerations in your final decision. While some of these fall within the SEC-wr zone that the applicant seeks to avoid, the County seeks to impose these improvements to ensure the general access for vehicles and traffic is maintained, the safety of traffic and that it meets the minimum requirements of Gresham Fire Service (Exhibit A.34):

The applicant should make improvements to best width and surface depth possible for the area identified in the illustration below. At a minimum, the County requests that the applicant ensures compliance with the Fire Service's requirement for 12 foot roadway **plus two feet of clearance on either side of the roadway** (see Exhibit A.34). See proposed conditions below.



The applicant shall also make improvements to the ROW, as identified in Exhibit A.31, to include the emergency vehicle pullout. See proposed conditions below.

- E. All costs relating to Local Access Road improvements shall be borne by the Developer including all administrative and other costs incurred by the County including but not limited to the oversight, review, inspection, etc, with respect to design, installation, and construction of any improvements on any Local Access Road under County jurisdiction. County shall not begin any work under this Section unless and until an adequate deposit as determined by the County Engineer has been received by the County to cover these costs.*

Compliance condition - no further response at this time.

- F. Notwithstanding any required improvements or other installations done in the public right of way of a Local Access Road under this Section 11 of these Rules, the County does not maintain such Local Access Road.*

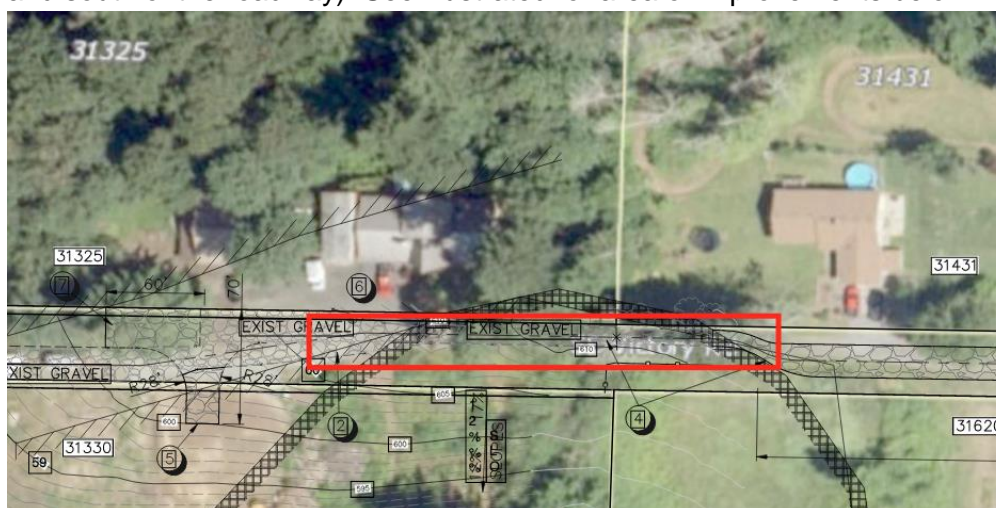
County notes that this criterion reiterates that additional traffic generation on SE Victory Rd is likely to increase the wear and tear of the roadway condition. Consequently, with the transportation impact, the County considers the improvements are considered “roughly proportional” to the increase in trips on the road.

PROPOSED CONDITIONS OF APPROVAL

The improvements sought through MCRR 11.000 above, and conditioned below, are considered proportionate to the applicant’s transportation impact. They will also contribute to the safety and integrity of the ROW, the primary concern of the County's request for improvements.

1. Apply for a driveway permit for the proposed access/driveways onto SE Victory Rd. As part of the driveway permit applications, the applicant shall provide
 - a. A site plan showing the driveway/accesses to the residence, roadway, and parcel lines, and provide annotation of the plans with the width of the driveways and accesses [MCRR 18.250]. The width of the second access (fire truck turnaround) shall be consistent with condition 2a below.
 - b. The driveway serving the site must have a 20-foot paved approach to SE Victory Rd. This paved approach will be measured from the edge of the subject property boundary and ROW of SE Victory Rd. It must not create any drainage problems along the County Road. This paved approach will help to protect the County Road from debris from the new driveway, and will improve the safety of this access. A refundable deposit is required for this work.
2. The firetruck turnaround shall meet the dimensions set out in the Oregon Fire Code (OFC 503 & Appendix D).
 - a. The turning radii of the firetruck turnaround shall be placed as far north into the ROW as possible to reduce the second access width between the ROW and the subject property to meet the County’s access width standards for residential properties (25 feet, or as close to this as possible), as shown on concept plan (Exhibit H.4).
 - b. The second access shall be gated with a KNOX padlock or gate switch and unobstructed at all times to ensure that it complies with the OFC and Fire Services requirements (see Exhibit A.34, number 2).
 - c. Make improvements to the ROW to accommodate the emergency vehicle pullout indicated in Exhibit A.31.

3. Obtain a Construction Permit from Multnomah County for all improvements within the County right of way. The Construction Permit is the County's mechanism for supervising and coordinating improvements within the County right of way, as well as collecting performance and maintenance guarantees for those improvements. A deposit will be required for a preparation of a Construction Permit, which may be obtained upon land use approval [MCRR 18.200]. Drawings submitted with the Construction Permit shall show:
 - a. Improvements to the ROW at the NE of the subject property boundary, more specifically at the point below the properties to the north (31325, 31431) and the subject property (31330) and 31620 to the south to meet the Gresham Fire Service's minimum requirement of 12 foot roadway plus two feet clearance either side of the roadway (north and south of the roadway). See illustrated for area of improvements below:



- b. any vegetation or tree stump removal within the ROW (see also criterion a, above);
 - c. the depth of gravel to be used in ROW improvements;
4. Dedicate 5 feet of right of way along the subject property's frontage to Multnomah County for road purposes. The minimum County standard right of way for a local access road is 50 feet. The applicant is required to dedicate 5 feet in order to achieve a proportional share of this standard. Contact Pat Hinds at (503) 988-3712 or patrick.j.hinds@multco.us to complete the ROW dedication [MCRR 18.150].
5. Furnish deed restrictions committing the property owner to participate in future right of way improvements. A non-remonstrance agreement, or deed restriction, will require that the property participate in standard Local Access Road improvements along the site's frontage on SE Victory Rd that are not completed as a part of the site's required interim improvements [MCRR 11.100 C]. Contact Pat Hinds at (503) 988-3712 or patrick.j.hinds@multco.us to complete the deed restrictions
6. The County must review any alteration of the existing storm water drainage for impacts to County right of way [MCRR 26.000]. Increased run-off to County right-of-way could negatively impact the County's roadways and stormwater system. Please have an Oregon Licensed Professional Engineer fill out a Multnomah County Stormwater Drainage Control Certificate and attach a signed site plan, stamped and signed storm water system details, and stamped and signed storm water calculations used to support the conclusion. Please submit materials to row.permits@multco.us or 1600 SE 190th Ave Portland, OR. 97233.